

# **TOWN OF LAUDERDALE-BY-THE-SEA**

## **TOWN COMMISSION**

### **REGULAR MEETING**

#### **MINUTES**

Jarvis Hall

**4505 Ocean Drive**

**Tuesday, June 11, 2013**

**7:00 P.M.**

1. CALL TO ORDER, MAYOR ROSEANN MINNET

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Finance Director Tony Bryan, Municipal Services Director Don Prince and Town Clerk Vanessa Castillo.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION - Pastor James Corgee

Pastor James Corgee gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Items 16a and 16b were pulled for discussion before to the Consent Agenda items.

5. PRESENTATIONS

Captain Fred Wood related a story about a lost wallet that was turned into the police department with its contents intact and a BSO officer's actions to return it to its owner, who lived outside of LBTS

6. PUBLIC COMMENTS

Mayor Minnet opened the meeting for public comment.

Edmund Malkoon appreciated Mayor Minnet's attendance at the Hurricane Seminar, and the help of PIO Steve d'Oliveira, Municipal Services Director Prince, the BSO and AMR personnel. He reminded everyone that the "Hometown Heroes" nomination forms were due by June 20, 2013, and announced that there would be a Fish Fry in August.

Yann Brandt thanked the Commission for recognizing the Charter Review Board (CRB), but felt the Commission rushed through the CRB's recommendations with "blanket" votes. He said the backup contained detailed minutes of CRB meetings, and the Commission should revisit the recommendations, so the CRB's work had some merit.

Erik Yankwitt reported on upcoming Town events at Jarvis Hall: "Social Security Awareness Day", Thursday, June 13 at 6:30 p.m.; "Movie Night", Friday, June 14, 2013, featuring "Grease"; and Ballroom Dancing on Father's Day, June 16, 2013. He appreciated the Commission's involvement in the Charter Review process and agreed with the Commission on the CRB recommendations they moved forward. He thanked Town Manager Hoffmann for returning his calls and emails even on Sundays.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

## 7. PUBLIC SAFETY DISCUSSION

None

## 8. TOWN MANAGER REPORTS

- a. Chamber of Commerce Monthly Activity Report (Town Clerk Vanessa Castillo)

Mayor Minnet asked if the Chamber would help sell Christmas ornaments at the Town's Fourth of July event.

Malcolm McClintock, Executive Director of the Chamber, answered yes; they would also have a vehicle in the parade.

Town Manager Hoffmann indicated at the next Town Commission meeting, the Chamber would present their budget request to fund the Visitor's Center, as well as answer the Commission's questions asked a month prior regarding their activities.

- b. Town Manager's Report (Town Manager Connie Hoffmann)

Town Manager Hoffmann reviewed her report as reflected in the backup, highlighting:

- The All-Red Pedestrian Trial Phase at the intersection of A1A and Commercial Boulevard would begin Friday, June 21, 2013, running Friday from 6:00 p.m. to midnight on Sunday for eight weeks. The Town's website linked to a survey for public feedback, and BSO would be onsite for several weekends, to educate motorists and pedestrians
- Progress on West Commercial Boulevard Streetscape & Drainage project and plans to relocate the remaining royal palms

- The Town's inability to reach an agreement with Burkhardt Construction on fees to oversee the East Commercial Boulevard Project. Town staff wished to negotiate with second-ranked firm, State Contract & Engineering Corporation (SCEC)
- Town staff still working on getting the Coastal Construction Line (CCL) permit from the State, presently being held up by turtle lighting issues
- Status reports on all other projects were in the backup

Commissioner Brown asked if "no turn on red" signs would be on the light poles.

Town Manager Hoffmann affirmed signs would be on all four poles at the intersection.

BSO Captain Fred Wood understood an illuminated sign would be posted at each of the four right-turn lanes, and they would only illuminate during the all-the-way stop phase.

Vice Mayor Sasser requested an update on the Coral Reef Project in the next Town Manager's Report.

Vice Mayor Sasser thanked the Town Manager for her suggestion regarding Burkhardt, as he too thought the cost was too high. On the issue of the turtle lights, he wished it made clear the Town Commission did not take the turtles and their survival lightly, but there were times when the regulatory agencies went too far.

#### 9. TOWN ATTORNEY REPORT

Town Attorney Trevarthen asked if the Commission wanted another ethics seminar.

Commissioner Brown said that the County was hosting hold a four-hour ethics session in Coconut Creek on the next Friday, and attending that seminar would put him in excess of the County's annual requirement.

Mayor Minnet concurred, noting there would be other opportunities with the League of Cities as well, so she felt it was unnecessary for the Town Attorney to hold a seminar. She reminded members of the Town Commission that their Financial Disclosure Forms were due.

Town Attorney Trevarthen replied she would be in touch with individual members of the Commission about the Financial Disclosure Reports.

#### 10. APPROVAL OF MINUTES

- a. April 2, 2013, Regular Commission Meeting Minutes

**Commissioner Dodd made a motion to approve the April 2, 2013, Commission minutes. Commissioner Vincent seconded the motion. The motion carried 5-0.**

b. April 23, 2013, Regular Commission Meeting Minutes

**Commissioner Dodd made a motion to approve the April 23, 2013, Commission minutes. Commissioner Vincent seconded the motion. The motion carried 5-0.**

**(The discussion and vote for items 16a and 16b were done at this point in the meeting and reflected under the related numbered agenda item.)**

**Recess/Reconvene**

**11. CONSENT AGENDA**

Item 11c, 11f and 11g were pulled for further discussion.

**Commissioner Dodd made a motion to approve items 11a, 11b, 11d and 11e on the Consent Agenda. Commissioner Vincent seconded the motion. The motion carried 5-0.**

- a. Special Event Application for a Beach Tennis Tournament (Assistant Town Manager Bud Bentley)

**Approved on consent**

- b. Crowder Gulf Emergency Debris Contract (Municipal Services Director Don Prince)

**Approved on consent.**

- c. Fourth of July Celebration (VFD)

Mayor Minnet felt excited about the upcoming event, noting the length of the fireworks show had been increased. Activities that were planned for the parade included a special grand marshal, jugglers and floats. There would be entertainment by the Florida Youth Orchestra and the Music Mermaids, and food would be on sale. There would be opportunities to donate to the purchase of the Town's new Christmas tree. She mentioned there would be a kids' slide and a dunk tank, and members of the Commission were challenged to see who could raise the most money in the dunk tank. A beach cleanup would be held on the morning of Friday July 5<sup>th</sup> at El Prado Park sponsored by Choice Environmental.

**Commissioner Dodd made a motion to approve item 11c. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

- d. O'Brien's Response Management - Contract Extension (Municipal Services Director Don Prince)

**Approved on consent.**

- e. Request a GMP Proposal from State Contracting & Engineering Corp for East Commercial Drainage & Streetscape Project (Town Manager Connie Hoffmann)

**Approved on consent.**

- f. Minto Parking Lot (Municipal Services Director Don Prince)

Municipal Services Director Prince asked the Town Commission to authorize the use of Bahia grass in the Minto Parking lot, as Town staff explored a variety of parking lot covering options and received quotes of over \$200,000. This was excessive for a temporary parking lot. Staff had considered gravel, but was concerned with the stones not staying compacted, spilling into roadways and becoming a liability. Bahia grass was very hardy, durable and could be maintained by Town staff; it was used by FDOT along the freeways. Mr. Prince received a quote from Oceanside Landscaping to grade the lot and lay the Bahia grass, and he would come back to the Commission with recommended lighting.

Commissioner Brown felt the solution the Town Manager and her staff devised was commendable, as it would cost only \$17,000. He noted that the parking pay machines had been donated by Standard Parking.

Town Manager Hoffmann commented the lighting would cost at least \$35,000, but when the Town returned the lot to Minto, the lights could be moved elsewhere in the Town.

Commissioner Brown believed the Town would recoup the monies invested in creating the parking lot from the lot's revenues within the first few weeks or months, and that income stream would eventually boost the Town's parking fund.

Commissioner Vincent said this was an example of the Town's commitment to going green.

Commissioner Dodd asked when staff expected the parking lot to be operational.

Municipal Services Director Prince indicated the contractor wanted to start work right after the Town Commission's approval. It was better for the grass to be planted at least three weeks before opening the lot, so it could take root, and the lot's lighting would be discussed at the next meeting. He anticipated opening the lot in four to six weeks.

**Commissioner Dodd made a motion to approve item 11f. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

- g. Emergency Offsite Repair (Municipal Services Director Don Prince)

Municipal Services Director Prince noted that the Town rented its warehouse building to a tenant, who sought Town permits for major renovations and discovered much of the electrical in the building was not up to the building code, so he could pull no permits. An inspector from CAP, assessed the situation and concluded that the Town was responsible for some issues. The electrical engineer drew up plans, with the biggest violation to be corrected involving three service wires coming into the building from the weather head to the meter some 500 feet away. Two wires were copper and one was aluminum, and this presented a fire hazard. The Town would normally bid out the repairs, but Mr. Prince considered this an emergency repair in that the Town needed to complete to allow the tenant to proceed with his plans, as he was already paying rent. Of the six electrical contractors to whom he sent out quotes, only Universal replied so far, and the estimated cost was in the region of \$60,000.

Town Manager Hoffmann added this included putting in a second electric meter for \$5,000 which would allow us to bill the tenant for exact usage

Municipal Services Director Prince asked the Commission to authorize \$60,000 for the electrical repairs and direct staff to accept the lowest responsive bidder, not to exceed \$60,000. The lowest bid would be brought for approval at the next meeting, but the contractor could start work before that.

**Commissioner Vincent made a motion to approve item 11g with staff recommendations, including going with the lowest bidder not to exceed \$60,000. Commissioner Dodd seconded the motion. The motion carried 5-0.**

## **12. ORDINANCES – PUBLIC COMMENTS**

None

Second readings of ordinances would be advertised in the Sun Sentinel.

### **b. Ordinances 2<sup>nd</sup> Reading**

#### **i. Ordinance 2013-08: OATH OF OFFICE AND EXECUTION OF DOCUMENTS (TOWN MANAGER CONNIE HOFFMANN)**

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input

**Commissioner Dodd made a motion to approve Ordinance 2013-08. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

## **13. RESOLUTIONS – PUBLIC COMMENT**

None

**14. QUASI-JUDICIAL PUBLIC HEARINGS**

None

**15. COMMISSION COMMENTS**

None

**16. OLD BUSINESS**

- a. Selection of Solid Waste Disposal Contractors (Assistant Town Manager Bud Bentley)

**This item was discussed before item 11.**

Assistant Town Manager Bentley gave a PowerPoint presentation and recommended that the Commission select Sun-Bergeron to provide residential and commercial waste disposal, and waive the purchasing manual requirement.

Town Manager Hoffmann noted the Town's current cost was \$57 per ton. Regardless of the Commission's decision on which firm was selected, the Town would see significant savings to residents and businesses.

Vice Mayor Sasser asked if WSI/Choice Environmental offered the lowest and a fixed price, while the other vendors' prices were higher and could increase.

Assistant Town Manager Bentley affirmed the other vendors were higher, and their price would go up due to COLA increases of at least one-percent increase under the County contract.

Vice Mayor Sasser inquired if the service issues discussed previously with WSI were resolved.

Assistant Town Manager Bentley believed the Vice Mayor was referring to the transition period when customers received poor service for 30 to 45 days; he stated that the number of complaints had dropped to almost zero.

Vice Mayor Sasser wondered whether it was a benefit to the Town that there was no CPI with Choice Environmental

Assistant Town Manager Bentley said that Wheelabrator's price per ton was lower than Choice's offer, starting out at \$39.48. Choice's price was \$39.75. He said over five years, the Wheelabrator rate, however, would increase to \$1.3 million due to CPI increases, but Choice/WSI would stay at \$1.2 million.

Vice Mayor Sasser questioned if the Town chose Wheelabrator or Sun Bergeron, would there be any impact to local customers' billing or less revenue back to the Town.

Assistant Town Manager Bentley replied customers' bills could go down, depending on the final action of the Commission. For example, the decrease in garbage waste rates might not be as significant if some of those dollars were used to implement yard waste service.

Commissioner Brown Town staff ranked the vendors by three categories: quality of service, cost, and environmental impact. As the price differences between the three was not significant, his choice of vendor was guided by the environmental impact of their service, preferring the vendor that concentrated on recycling.

Commissioner Vincent recalled that at the Commission's April 2<sup>nd</sup> Workshop, a variety of issues concerning waste disposal were discussed. These included: which company had a smaller carbon footprint; what was the value of another vendor in competition with Wheelabrator; which company removed the most recyclable materials from the waste stream; and did their disposal process truly count as recycling. He felt very impressed with Sun Bergeron's concern with the environmental impacts of waste disposal and protecting Florida's future for generations to come. Commissioner Vincent remarked that the idea of a signing bonus with Wheelabrator did not sit well with him.

Commissioner Dodd believed a loyalty payment circumvented an honest and open bidding system. The Town currently paid \$57 a ton, and during the competitive process it was revealed that the present service provider (Wheelabrator) could go as low as \$40 a ton, with no significant changes in their service. He indicated the Town was the leading municipality in recycling, a position he wished to retain by hiring a vendor that facilitated the Town disposing of its trash by the most environmentally safe method possible. Despite Sun Bergeron's using landfills for waste disposal, they removed useful recyclable materials prior to placing the waste in the landfill. He chose Sun Bergeron, noting though theirs was not the lowest bid, he believed they had been very honest and upfront in stating their bid and sticking with it. He supported Commissioner Brown's efforts to increase recycling by multifamily and condominium residents.

Mayor Minnet disagreed that the cost difference between the vendors was not significant, as she believed that WSI was the best financial choice for garbage collection.

Assistant Town Manager Bentley said they were the lowest bid and recommended that the WSI proposal should be matched to the collection contract for a two-year period.

Town Attorney Trevarthen recommended that the motion include that the Town would waive its purchasing manual, since it was relying on proposals from diverse sources.

**Commissioner Brown made a motion to approve item 16a(1), selecting Sun Bergeron as the preferred vendor, and including staff recommendations to waive**



**the purchasing manual requirement. Commissioner Vincent seconded the motion. The motion carried 3-2. Mayor Minnet and Vice Mayor Sasser voted no.**

Assistant Town Manager Bentley suggested the Commission direct staff to determine if the Town could piggyback off the Deerfield Beach contract with Sun Recycling. If that failed, they would try to contract with the second ranked vendor.

Commissioner Dodd asked if Sun Recycling was a separate entity from Sun Bergeron.

Lonnie Bergeron of Sun Bergeron replied that Sun Recycling was half of the Sun Bergeron joint venture.

Vice Mayor Sasser asked if the contract was for bulk waste pickup or disposal.

Assistant Town Manager Bentley replied the present discussion was related to disposal only. Residents would see no difference in the number of trucks with any of the vendors.

Town Manager Hoffmann questioned if the second option would be for Town staff to try to piggyback on the City of Hollywood's Waste Management contract.

Assistant Town Manager Bentley explained that the second provider was Waste Management/Wheelabrator. If Hollywood did award their service to a vendor, the Town could select the County option or Hollywood's, but Town staff would look at those two contracts to determine which was the most advantageous.

Vice Mayor Sasser wondered at the cost impact of one disposal location over another.

Assistant Town Manager Bentley replied that there could be a difference in cost, and the Town's collection contract provided for that possibility. In the subject examples, there would be no increase, as the sites would be located at Deerfield, Pompano or the existing site.

Vice Mayor Sasser asked Grant Smith of WSI to confirm the arrangement.

Grant Smith of WSI answered that Mr. Bentley was correct, as it related to bulk. Mr. Bentley asked him prior to the meeting about the financial impact from a hauling standpoint. He said this portion of the contract would have no impact, as the waste would go to Pompano, Deerfield Beach, etc. Mr. Smith stated that from a hauling aspect only, Sun Bergeron could not use their Deerfield Beach facility for the first six months, as it was under construction. For the first six months there could be a hauling charge to a location yet to be revealed to WSI, and he was aware that Sun Bergeron did not have a Class 1 facility nearby.

Assistant Town Manager Bentley responded that Sun Bergeron assured him if there was an increase in the hauling cost, it would reflect as a credit to the disposal cost, and

that arrangement would be reflected in the hauling contract information. He asked that the motion include direction to the Town Manager to make month-to-month arrangements for disposal if there was a delay in getting the contract back to the Town Commission.

**Commissioner Vincent made a motion to approve item 16a(2) with Assistant Town Manager Bentley's recommendations to select Sun Recycling for Bulk/Comingled Solid Waste, piggybacking off the Deerfield Beach contract. If negotiations fail, the second-ranked provider, Waste Management, would be contacted. Town staff would present the Commission with the better of the two offers, waiving the purchasing manual requirement and negotiating the hauling fee in the contract. The Town Manager should be authorized to execute a month-to-month contract. Also approved was including the Town Attorney's recommendation to waive the purchasing manual. Commissioner Dodd seconded the motion. The motion carried 5-0.**

- b. Selection of Sun-Bergeron to provided Recycling Processes (Assistant Town Manager Bud Bentley)

Assistant Town Manager Bentley reviewed the details of the proposed item.

Vice Mayor Sasser asked about the \$28 per ton versus a 45.1 percent share, wondering if the figures were based on the Town's volume or an average municipal percentage.

Assistant Town Manager Bentley replied it was based on pricing (average market value) not volume, , and there was a matrix that showed a typical city's waste stream that changed monthly. In the sample cities, the average was \$138.84.

Town Manager Hoffmann explained that \$138.84 was the amount of revenue that the contractor was projected to receive selling recyclable waste; Sun Bergeron would return 45 percent to the Town.

Assistant Town Manager Bentley clarified it was \$138 minus a \$50 per ton contractor fee. Of the remaining amount, 45 percent or \$39.99 went to the Town. He spoke of the fluctuating average monthly value (AMV), stating a city/contractor could audit the recycling stream to determine the mix of material and determine the AMV.

Vice Mayor Sasser wished to confirm that the Town might be in a better position based on the recycling mix to take \$28 per ton, rather than taking a chance on 45.1 percent.

Assistant Town Manager Bentley indicated Town staff calculated for the revenue from Sun Bergeron to fall below \$28 a ton, the AMV would have to be less than \$112 a ton, and it had never gone that low in the last 32 months. He mentioned there was no CPI in the Sun Bergeron proposal; it was a flat projection. If the recycling market improved, the Sun Bergeron bid was of greater value to the Town, as the revenue to the Town could increase. Under the WSI proposal, the figure would remain the same.

Vice Mayor Sasser questioned the difference in hauling cost if the Commission chose Sun Bergeron.

Assistant Town Manager Bentley replied that currently, Sun Bergeron's recycling facilities were in Deerfield or Pompano, and going to those cities would not affect hauling costs. Sun Bergeron was constructing a new facility in Davie, and after January 2014, they would switch recycling to Davie, but Sun Bergeron's Davie facility was said to be closer than the current Wheelabrator site. If this was true, there would be no increase.

Commissioner Dodd inquired as to Wheelabrator's absence from the subject bidding process, as he thought they had the largest single-stream facility out west.

Assistant Town Manager Bentley referred to page two of the backup that showed in Hollywood's pending bids, Waste Management bid at 13 percent, and in Deerfield Beach at six percent; neither were viable options. The County tried unsuccessfully to negotiate a contract extension with Wheelabrator. Later the County was able to negotiate with WSI to service only the unincorporated areas and all County facilities at 43 percent. He noted this specific price was based on an audit of the County's mix in their waste stream, and the Town was not able to piggyback on the 43 percent contract.

Mayor Minnet noticed the representatives of Waste Management/Wheelabrator had left. She invited WSI and Sun Bergeron to address the comments made by the Vice Mayor.

Grant Smith of WSI commented on why his company was the better service provider:

- Theirs was a fixed \$28 price that was consistent among other cities. If the price of commodities decreased, the Town was protected
- The full composition study done prior to entering into the contract with the County showed significant discrepancies in the AMV
- Under the Southwest Ranches bid, the contractor could ask for composition studies at will and, in addition to the standard \$50 contractor's fee, there was a CPI that would increase cities' cost and lower their revenue share
- There were two ways for the Town to earn revenue: one was fixed with no risk with WSI, and one was not fixed with some risk with Sun Bergeron.

Lonnie Bergeron of Sun Bergeron reviewed his company's offer noted in the backup:

- The factors being considered by the Commission were devised by consultants hired by another city, so bidders had little input and accepted the contract terms
- There would be no increase in collection costs, as the recyclables were currently taken to Reuter Recycling, and there was no point in Broward County that was farther from Lauderdale-By-The-Sea, so the Town could end up receiving a credit
- They had no single-stream facility, but when the County terminated the contract with ReCommunity, Sun Bergeron bought land and began constructing a facility.

- Fort Lauderdale, Southwest Ranches, Lauderdale, Deerfield Beach, Coconut Creek, Coral Springs, Plantation, Oakland Park and Hillsboro Beach, all chose Sun Bergeron for single stream recycling.

Commissioner Vincent believed the average of \$138 per month based on the last 32 months would not fluctuate significantly.

Mr. Bergeron mentioned the economy was coming out of one of the worst recessions, during which people purchased less repurposed material, but with the economy's improvement, monthly revenues should increase.

Mr. Smith remarked on the May 2013 Composition Study that his company did for the County contract that showed an AMV of \$109.35; he noted it was hard to predict the market.

Commissioner Dodd noticed Mr. Smith chose an example of one percent of aluminum and an AMV based on 2.4 percent. He asked about the remaining 99 percent waste.

Mr. Smith replied: newspaper accounted for 17 percent, corrugated boxes - 10 percent, mixed paper - 24.5 percent, steel cans - 3.7 percent, aluminum cans - 2.4 percent, plastic - 5.3 percent; the next highest was glass, which was worthless in the commodity market. On the mixed paper, the County had a 35 percent commodity percentage, lower than in the backup; the differences in the County's mix caused the drop from \$138 to \$109.

Assistant Town Manager Bentley understood the AMV in the Deerfield contract shown in the backup was the same for Southwest Ranches and Hollywood.

Mayor Minnet noted the motion should include waiving the Town's purchasing manual.

**Commissioner Vincent made a motion to approve item 16b as recommended by Town staff and Mayor Minnet. Commissioner Dodd seconded the motion. The motion carried 4-1. Mayor Minnet voted no.**

- c. Army Corps Super Storm Sandy Sand Re-Nourishment Project (Town Manager Connie Hoffmann)

Town Manager Hoffmann made a correction under Recommendation #3; it should say Palm Avenue, not Hibiscus Drive. Eric Myers spoke with Minto, and the latter seemed willing to allow the use of the access way by their sales trailer rather than Pine Avenue.

Commissioner Brown thought this was one of the most important votes this year, as the Commission made a major commitment to the Town to improve infrastructure. With the many improvement projects going on, it was important to realize that the beach was part of that infrastructure. It was why many people lived and visited, and businesses located in Lauderdale-By-The-Sea. The three main issues affecting the project were cost,

which the Commission asked to be related only to the volume of sand the Town received; secondly, the environmental concerns. He attended a meeting sponsored by the County after a portion of Fort Lauderdale's beach washed away in 2012, and every environmental agency that spoke felt the beach had to be rebuilt with trucked-in sand. The environmental benefits of rebuilding the beach outweighed the environmental risks this could cause. Commissioner Brown said the third issue was the use of portals and the disruptions, believing that disruptions caused by such projects were the price people paid to get the best results. He did not want to see the project sidetracked by phony arguments about using Town portals to get sand onto the beach; if there was no wish to support the project, then that should be the position. He noted the amount of sand slated for the Town's beach in the County project was reduced due to a concern that it might drift out to the reef, and the placement of the sand was changed for the same reason. The County proposal included enhanced monitoring and penalties if the sand drifted out to the reefs.

Commissioner Dodd watched the video of the previous meeting that he was unable to attend and was surprised to learn that the Army Corps wished to use the Oriana beach access. He believed the Commission was leaning toward using the Palm Avenue portal, as it would cause minimum disruptions while providing a more southerly access where the sand was most needed. By 8:00 a.m. on A1A, there would be 20 to 30 trucks queuing up, and he requested that they not use El Mar Drive as a parking lot for trucks waiting to begin work, suggesting Town staff pressure them to use Galt Ocean Mile. He fully supported the project, as beach renourishment was vital for the Town's beaches.

Commissioner Vincent expressed concern about using the Minto access, as the only way to get to that area was El Mar Drive, and they could not be allowed access through the El Prado parking lot because work on the project was set to begin in November/December, that was peak tourist season, and many visitors would park at the temporary lot on the Minto property. It was unacceptable to have trucks passing through the area continuously, posing a safety risk. He was against the idea and thought that better access ways were Palm Avenue and Pine Avenue; he would consider Flamingo.

Municipal Services Director Prince said he was opposed to the use of Flamingo Avenue because of the new drainage system there. While staff could lay down filter fabric to protect the drainage, once the fabric filled with sand falling off trucks, it could clog the system.

Commissioner Vincent suggested using steel plates, similar to those used on many roads to protect the infrastructure underneath. They could be swept and maintained, and removed in the event of a rainstorm.

Municipal Services Director Prince restated his concern regarding drainage and that he needed assurance, as this had been the Town's number one drainage problem.

Commissioner Vincent wished Town staff to investigate other options for protecting the Town's drainage infrastructure.

Vice Mayor Sasser restated his opposition to the beach renourishment project, as it was the Town's neighbors that needed the sand not the Town. Some Commissioners were willing to spend more taxpayers' dollars on waste services to increase recycling and protect the environment, yet their views of the Town's waterline seemed less green. Corals and other sea life were as valuable as those living on the sand.

Mayor Minnet echoed displeasure with the portal locations stated in the backup, as the disruptions would be difficult for residents. She favored directing Town staff to explore using Flamingo Avenue, understanding the concerns about damage to the Town's drainage. She felt that disruptions on El Mar Drive during the height of season were unacceptable.

Town Manager Hoffmann thought the Super Storm Sandy sand was only going to Pompano Beach and the Town, not Fort Lauderdale so using Galt Ocean Mile access was not an option for this project.

Municipal Services Director Prince affirmed this to be correct; the project would be from the inlet to the Town's southern boundary.

Town Manager Hoffmann agreed the work schedule would conflict with the Town's tourist season and the East Commercial Streetscape project. It was either the Town allowed them to use two of its portals, or let them use one portal and the Minto access, or have no sand delivered in the Town. If the Commission decided it wanted sand, it was necessary to decide where the sand would be delivered.

Mayor Minnet asked why all the sand could not be brought in from the Pompano access point.

Municipal Services Director Prince replied that the pier would be in the way.

Commissioner Vincent expressed confusion as to the need for two access points.

Municipal Services Director Prince replied the pier would block access to the southern beach. . He clarified the beach was not being widened, it was being raised.

Commissioner Dodd thought it was important to consider what would happen when the next beach renourishment came along, when the County would have to truck sand down Galt Ocean Mile. The only access to that area was either from the Town or Oakland Park Boulevard. If the thought was to take down the Palm Avenue portal, which flooded continuously, the Town could have the benefit of another entity paying to regrade that portal. He supported raising the beach with free sand, using the Palm Avenue and Pine Avenue portals as the access ways.

Mayor Minnet expressed concern at using two Town portals; if this had to be, Palm Avenue should be one, but she did not support using Pine Avenue.

Commissioner Brown remarked the Town did not control the project schedule; the Army Corps of Engineers was the sponsor. Businesses experiencing disruptions with the West Commercial Streetscape Project understood the necessity of the inconvenience.

Commissioner Vincent had no objection to the use of Palm Avenue, as there was only a vacant hotel nearby. He asked about the cost of the drainage on Flamingo Avenue.

Municipal Services Director Prince replied the project cost \$600,000.

Commissioner Vincent disagreed with speaking to businesses affected by the West Commercial Streetscape Project, as their disruptions were taking place during off-season, and the subject project would take place during season.

Town Manager Hoffmann thought \$600,000 was an overestimate. She recalled the project cost much less.

Municipal Services Director Prince said he would check the cost, indicating it would be the Army Corps' responsibility to protect the drainage.

**Vice Mayor Sasser made a motion not to accept the free sand, as it would raise the Town's beaches by very little and damage the environment. The motion was seconded by Commissioner Vincent. The motion passed 3-2, with Commissioners Dodd and Brown voting no.**

- d. Pre-Purchase of Drainage Structures for the East Commercial Streetscape & Drainage Improvement Project (Project Manager Albert Carbon and Town Manager Connie Hoffmann)

Albert Carbon, Project Manager for the East Commercial Streetscape Project, reviewed the proposed item.

**Commissioner Vincent made a motion to approve item 16d. Commissioner Dodd seconded the motion. The motion carried 5-0.**

- e. Finalizing the West Commercial Streetscape Improvement Project, Scope, and changing the Guaranteed Maximum Price (GMP) (Project Manager)

Hugh Johnson of Architectural Alliances presented the new lighting scheme.

Town Manager Hoffmann explained the bid included running the electric to two existing light poles which would allow a hook up to the LPR camera; LETF funds would cover that cost.

Mayor Minnet added the lighting proposed would be LED, so the Town would receive substantial long-term benefits. She sought clarification on the manufacturer's warranty.

Mr. Johnson said the vista lights, up lights and path lights had a five-year guarantee.

Mayor Minnet inquired if all the fixtures were pre-anodized.

Mr. Johnson believed the post lights were, but he was unsure if the bollards were.

Mayor Minnet expressed concern that if the bollards were cast aluminum and not pre-anodized, they could break away.

Mr. Johnson indicated, from the inception of the project, Mayor Minnet requested that all light fixtures be pre-anodized, so the design team would make sure they were.

Town Manager Hoffmann commented staff recommended that the Commission modify the GMP to add \$158,963; if the bollards were not pre-anodized, this would add to the cost, but presumably could be covered by the \$50,000 contingency that staff included in the subject item for approval.

Mayor Minnet recused herself from voting on the proposed item, due to her close association with many of the lighting vendors that participated in the subject project.

Commissioner Vincent sought confirmation that the project was currently below cost.

Town Manager Hoffmann replied it was below the original bid of over \$400,000 for lighting and electric.

Mr. Johnson confirmed yes, it was a little below that figure.

Vice Mayor Sasser asked Mayor Minnet if she thought the lighting was sufficient.

Mayor Minnet said the photometric study revealed that the project as originally designed had too much lighting. She liked the combination of the bollards and the street lighting, as it gave a better pedestrian feel, and adding pathway lighting pulled the project together. The original fixtures with acrylic rings had been retained, and the overall effect would be very pleasing.

Mr. Johnson noted the photometric study did not take into account the planted islands with the tall palms, and the light poles that would spill over into the plaza. Where there were pedestrian pole lights that cast down light, there would only be lighting from bollard height or waist height down, along with up lights.

Mayor Minnet commented much of the ambiance would come from lighting from the businesses and restaurants, and LED lighting would allow for a smoother light source.

Vice Mayor Sasser realized the Commission made many demands on the lighting for the subject project, and he was very proud of how the revised lighting scheme looked.

Commissioner Dodd believed the photometric study made no allowance for the bleed over of regular streetlights on Commercial; it seemed no light came from the roadway.



Mr. Johnson replied that the electrical engineer went out at night to do the light studies and was surprised to find that there was very little light in the parking lots coming from the street. He doubted the reading showed that there was more than half a foot candle.

Commissioner Dodd asked if a power source was needed for the pedestrian crossings.

Town Manager Hoffmann believed they would be solar powered.

Mr. Johnson affirmed they would be.

Commissioner Dodd asked where on the diagram the sculptures would be located.

Mr. Johnson showed on an illustration where the sculptures were located in the project design; he noted electric would run to those locations so that, if the sculptures were funded, they would have lighting.

Mayor Minnet wondered if there was a backup power source if the solar power failed.

Town Manager Hoffmann indicated there was a backup power source.

**Commissioner Dodd made a motion to approve item 16e. Commissioner Vincent seconded the motion. The motion carried 4-0. Mayor Minnet recused herself from voting.**

#### **17. NEW BUSINESS**

##### **a. Sewer Capital Costs/Sewer Rates (Finance Director Tony Bryan)**

Municipal Services Director Prince discussed the subject item.

Commissioner Dodd asked if Town staff had a chance to analyze whether the rains over the last few weeks had a sustained effect on the volumetric rates. He wondered, if the Town accelerated repairs for the laterals and invested \$400,000 in the next fiscal year, what percentage in savings could be predicted on the additional expenditure.

Municipal Services Director Prince responded that Town staff could look if there had been any spikes on rainy days, as this meant there was infiltration coming from somewhere. He was unable to comment as to the percentage of savings.

**Commissioner Dodd made a motion to approve item 17a. Commissioner Vincent seconded the motion. The motion carried 5-0.**

Town Manager Hoffmann mentioned there would be no change in the sewer rates next year; the Burton study did not call for an increase and the numbers confirm the Town did not need one.

Vice Mayor Sasser wondered if since the Town was running a surplus on its sewer rates in the current fiscal year, if this lent itself more to the possibility that in future years an increase would not be needed.

Town Manager Hoffmann answered Town staff was unsure the rate hike called for in Burton's study in FY2015 would be needed and would be doing further analysis.

**b. Discussion of Proposed Revisions to Business Tax Receipt Ordinance (BTR)  
(Town Manager Connie Hoffmann)**

Assistant Town Manager Bentley discussed the subject item.

Commissioner Dodd asked if Town staff proposed to set the rates by resolution.

Town Attorney Trevarthen explained the State Statute governed how the Town handled such issues; staff needed to do more work, and they would do a resolution if possible.

Commissioner Dodd questioned what checks were made to ensure there was full compliance, as local business owners paid a tax to Broward County, so paying the Town's tax was like double taxation. He wondered if the County sent out a current list of businesses that paid their business license tax to ensure the Town's businesses were paying the BTR. Other than receiving an annual reminder from the County to renew his business license, he saw no benefit in paying the County's business tax.

Assistant Town Manager Bentley indicated that he would check with the County about a current list of businesses that paid their business license tax.

Town Attorney Trevarthen recalled a bill in 2013 that addressed double taxation, but she was unsure if it passed.

Vice Mayor Sasser asked why the Town's BTR was being increased.

Town Manager Hoffmann replied it was proposed because the Town's budget for the next fiscal year was out of balance.

Vice Mayor Sasser observed the aim was not to just break even, asking how much revenue Town staff thought the BTR would generate.

Town Manager Hoffmann said Town staff had thought the BTR could only be increased by five percent and, as the Town's revenues were about \$50,000, an increase would earn only a few thousand dollars. However, the Town Attorney had advised the increase could be higher, so they would explore the matter further.

Vice Mayor Sasser said he was willing to authorize staff to explore the issue further.

Town Attorney Trevarthen stated the BTR was a tax on businesses, and its primary purpose was to cover administrative costs and raise revenue.

Mayor Minnet favored further exploration; if the Town was losing money administering the program, this needed to be corrected, even if it was a minimal amount.

Commissioner Vincent asked about the average number of BTRs the Town issued yearly.

Town Manager Hoffmann indicated staff would research the matter.

Assistant Town Manager Bentley said a BTR of \$6 cost more to administer and collect than \$6, but that not all BTRs were so inefficient.

Mayor Minnet believed there was a Commission consensus for Town staff to determine what BTR revenues needed to be collected to make the process equitable for the Town.

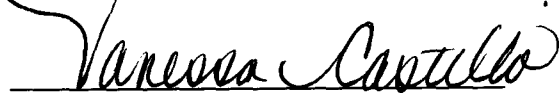
**18. ADJOURNMENT**

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 10:07 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk Vanessa Castillo

8/21/2013  
Date

## FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>MINNET ROSAM ALEXIS</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>COMMISSION (Mayor)</b>
MAILING ADDRESS <b>2000 S Ocean Blvd NE</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY <b>TOWN OF</b>
CITY <b>CBT3</b> FL <b>BROWARD</b> COUNTY	NAME OF POLITICAL SUBDIVISION: <b>LAUDERDALE - By The Sea</b>
DATE ON WHICH VOTE OCCURRED <b>June 11, 2013</b>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

### WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

#### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

#### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, ROSEANN MINNET, hereby disclose that on JUNE 11, 20 13

**(a) A measure came or will come before my agency which (check one)**

- ☐ Inured to my special private gain or loss;
- ☐ Inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ Inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ Inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ Inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

**(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:**

The company, of which I am the principle owner, has done, in the past, Business with the provider.

June 13, 2013

Date Filed

Roseann Minnet

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.